

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
**TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the PLANNING
AND COMPENSATION ACT 1991)**

BREACH OF CONDITION NOTICE

Issued by: North East Lincolnshire Borough Council

1. **This is a formal notice** which is issued by the Council, under Section 187A of the above Act, because the Council considers that conditions imposed on a grant of planning permission DC/984/10/WAB relating to the land described below, have not been complied with. It considers that you should be required to secure compliance with the conditions specified in this notice.

2. **The land affected by the notice**

The land known as 93 High Street, Waltham, North East Lincolnshire (edged red on the attached plan).

3. **The relevant planning permission**

The relevant planning permission to which this notice relates is the permission granted by the Council on the 10th March 2011 as per approved planning application no. DC/984/10/WAB (attached hereto).

4. **The breach of conditions**

The following condition has not been complied with:-

Condition 3

No demolition or construction work shall be carried out on or before 08:00 or after 18:00 Monday to Fridays inclusive, before 08:00 or after 13:00 on Saturday or at any time on Sundays or Bank Holidays.

Reason

To protect the amenities of nearby residents and to accord with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

5. **What you are required to do**

As the person responsible for the breach of conditions specified in paragraph 4 of this notice, you are required to comply with the stated conditions by taking the following steps:-

Requirement No. 1

Do not undertake any demolition or construction work before 08:00 or after 18:00 Monday to Fridays inclusive, before 08:00 or after 13:00 on Saturday or at any time on Sundays or Bank Holidays.

Time for Compliance:**Requirement No.1**

28 Days from the date this notice takes effect.

6. When this notice takes effect

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Signed:



Dated:

2ND SEPTEMBER 2011

On behalf of: North East Lincolnshire Borough Council

WARNING**There is no right of appeal against the notice**

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Miss K Walker, Planning and Transportation Department, Origin One, Origin Way, Europarc, Grimsby DN37 9TZ. Tel. 01472 324998

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review. A lawyer will advise you on what this procedure involves.

Do not leave your response to the last minute

NOTICE OF DECISION

Application Number: DC/984/10/WAB

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address:

Snap Properties
Mr Kevin Snape
Thornlea, Main Road
Ashby-cum-Fenby
Grimsby
North East Lincolnshire
DN37 0QW

Agent's Name and Address:

Jonathan Hendry Architects
Holton Business Park
Holton Le Clay
Lincolnshire
DN36 5EE

The following decision has been made upon your application received on **29th October 2010** relating to:-

Application Site: 93 High Street Waltham Grimsby North East Lincolnshire

Proposal: Erection of 1 dwelling, amendments to dwelling type 4 of previously approved DC/76/10/WAB

Granted subject to:-

- 1 Condition
The development hereby permitted shall commence within a period of three years from the date of this permission.

Reason
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 Condition
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no development under Part 1, Class A, B, C, D, E, F and G shall be permitted within the curtilage of the dwellings hereby permitted.

Reason
To protect residential amenity, the area visual character, trees, the design integrity of the development and to accord with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.
- 3 Condition
No demolition or construction work shall be carried out on or before 08:00 or after 18:00 Mondays to Fridays inclusive, before 08:00 or after 13:00 on Saturdays or at any time on Sundays or Bank Holidays.

Reason

To protect the amenities of nearby residents and to accord with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

4 Condition

No development shall take place until full details of both hard and soft landscape works, including precise arrangements for the protection of trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Soft landscape works shall include planting plans for trees, shrubs and hedges; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, sizes and proposed numbers/densities where appropriate; a programme of implementation, maintenance and replacement as necessary for a minimum period of five years from initial completion of the works.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interest of the visual amenity of the area and to accord with saved Policies GEN1 and GEN3 of the North East Lincolnshire Local Plan 2003.

5 Condition

The development shall be carried out in accordance with the following approved plans:

Drawing No. SL_001_05 – Site Location Plan
Drawing No. PSL_201 Rev 06 – Proposed Site Plan
Drawing No. EX100 Rev 05 – Topographical Survey
Drawing No. PP_TYPE_4_304 Rev 04 – House Type 4
Drawing No. PASL_201 Rev 01 – Previously Approved Site Layout
Drawing No. PAP_304 Rev 01 – Previously Approved House Type 4

Reason

For the avoidance of doubt, in the interests of proper planning and to accord with saved Policy GEN1 of the North East Lincolnshire Local Plan.

6 Condition

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor any excavation made, without the

prior written consent of the Local Planning Authority.

Reason

To protect the amenity of the area and to accord with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

7 Condition

The development shall not commence until details of the materials to be used in the construction of the exterior walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development has an acceptable external appearance, is in keeping with the visual amenity and character of the area and accords with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

8 Condition

No dwelling shall be occupied until the private driveway and vehicular access to it and the parking and garaging facilities serving it have been completed to the written satisfaction of the Local Planning Authority. The parking and garaging facilities shall thereafter be so retained.

Reason

To ensure adequate parking and turning facilities are provided within the site for highway safety reasons and to accord with saved Policy T6 of the North East Lincolnshire Local Plan 2003.

9 Condition

Before any development commences, wheel cleaning facilities shall be provided to a standard and in such a position as may be approved in writing by the Local Planning Authority. They shall be retained during the period the construction works are taking place and used to the satisfaction of the Local Planning Authority.

Reason

In the interests of road safety and in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

10 Condition

No development shall begin until details showing the location, the layout which gives priority to pedestrians and cyclists using the shared footway/cycleway and the design and method of construction of the altered vehicular access, have been first submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details before any dwelling is occupied.

Reason

To ensure adequate parking and turning facilities are provided within the site for highway safety reasons and in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

11 Condition

The proposed alterations to the site access shall be completed to the satisfaction of the Local Planning Authority before any dwelling is occupied.

Reason

In the interests of highway safety and in accordance with Policy GEN1 of the North East Lincolnshire Local Plan 2003.

12 Condition

No development shall commence until a scheme for the provision of surface water drainage works, including surface water attenuation on site, has been approved in writing by the Local Planning Authority. Such scheme shall be implemented to the satisfaction of the Local Planning Authority before any dwelling is occupied.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

13 Condition

No development shall begin until the applicant, or their agent or successors in title, has secured implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. At least 14 days written notice of the start date for commencement of development shall be given to the Local Planning Authority.

Reason

The site is of known or potential archaeological significance and it is essential that appropriate provision for an archaeological mitigation strategy, including the recording of archaeological remains, is made prior to their damage or destruction by development and in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

14 Reason for approval

The Local Planning Authority has had regard to the relevant policies of the development plan and especially those as set out in the North East Lincolnshire Local Plan 2003. The proposal would not harm the character of the area or the amenity of local residents and would be acceptable under all other planning considerations. This proposal has been approved in accordance with the North East Lincolnshire Local Plan 2003 and in particular saved Policies GEN1 – Development Areas, GEN3 – Development and Landscaping, NH5 – Protection of Trees, NH6 – Protection of Hedgerows and T6 – Development provisions and the provision of parking.

15 Informative

If there is a watercourse on or adjacent to the site, please bear in mind that it is an offence to fill, drainage pipe or culvert any ditch, dyke, stream or watercourse without first submitting plans and sections to the Director of Regeneration for approval. It is essential that this information is submitted well in advance of any intended work.

Even if direct works to drainage pipes, culverts, ditches, dykes, streams or watercourses are not contemplated, the Director of Regeneration is empowered under Public Health Legislation to require such culverting to be carried out in the case of a watercourse on or abutting land being set out for building. This requirement may be enforced even if you do not own the ditch. A notice requiring such culverting work has a cost attached to it, so it is in your interest to establish the correct course of action as soon as possible.

16 Informative

Owners of land adjoining the site to be developed may have natural rights of drainage onto or across the site. Neither the proposed development, nor temporary works required during the construction, should prejudice this natural right of drainage. If the level of the land on any part of the site is to be raised, or if walls or fences are to be erected which might disrupt drainage paths, the developer must provide suitably designed cut off drains to intercept and divert both the surface and sub-surface drainage flows. Details of the proposals must be submitted to and approved by the Director of Technical Services before the commencement of works on site.

This Notice is issued on behalf of the Local Planning Authority.

Signed:

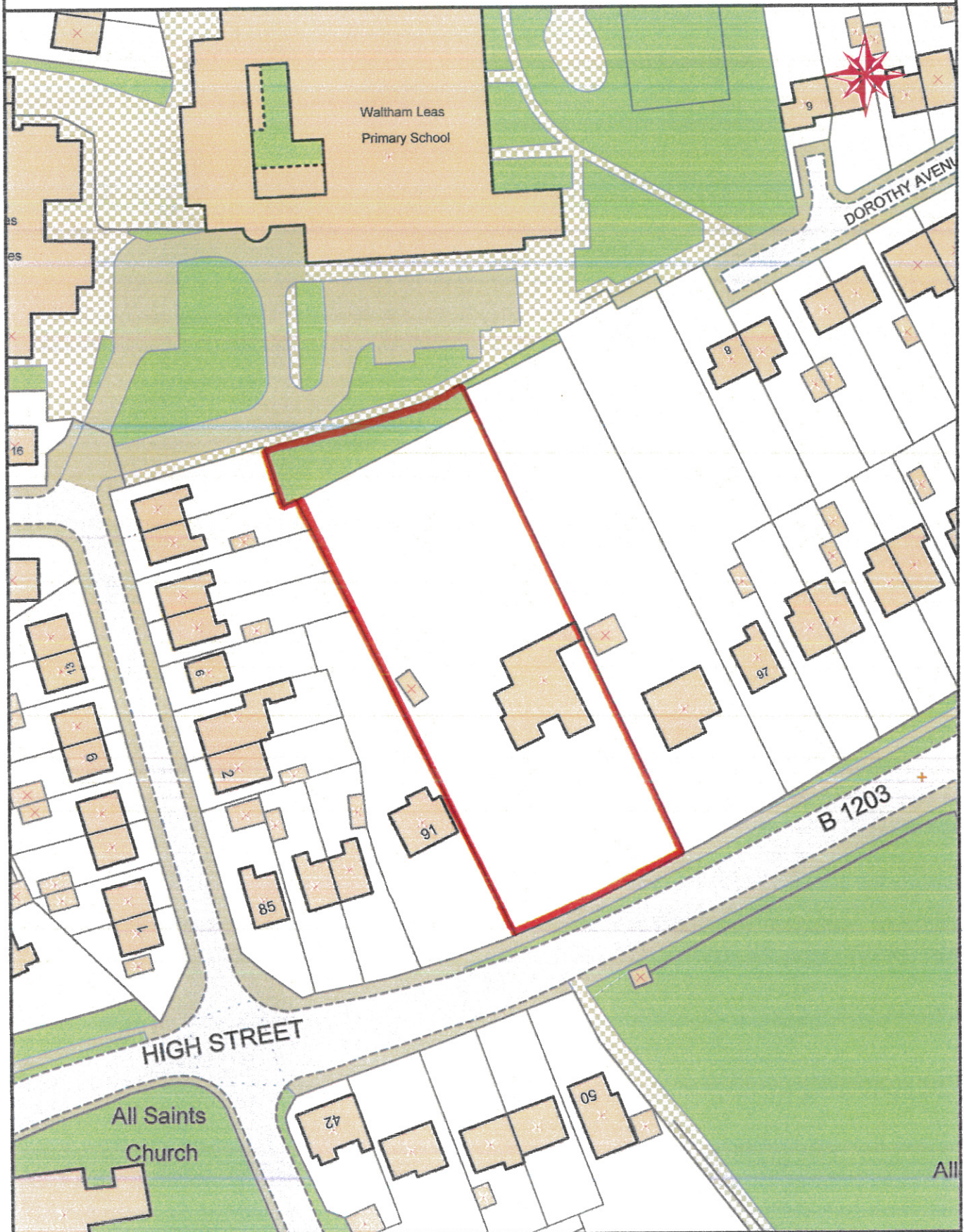



Dated: 10th March 2011

Marc Cole

Official Capacity: Executive Director of Regeneration

Location Map



 <p>NORTH EAST LINCOLNSHIRE COUNCIL www.naumas.gov.uk</p>	Details Plotting in MapInfo made easier		Rev No.	This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of HMSO. © Crown Copyright 2006. All rights reserved. Licence number 100020759	
	Drawn by walkek2	Scale 1:1000	Date 02/09/2011	Aligned Assets Limited Links One, Links Business Centre Old Woking Road, Old Woking Surrey, GU22 8BF	www.aligned-assets.co.uk
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